

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-13675 - APPLICANT: LAMAR OUTDOOR - OWNER: MASONIC MEMORIAL TEMPLE

**** CONDITIONS ****

The Planning Commission (5-0-1/d vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all conditions of approval of Rezoning (Z-0011-02) and Special Use Permit (U-0010-02).
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review.
3. Conformance to Condition Number 4 from Rezoning (Z-0011-02) to construct a minimum 30-foot wide bermed landscape planter along the east property line within thirty (30) days of City Council action.
4. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
5. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
6. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
7. All City Code requirements and design standards of all City departments must be satisfied.
8. The glare from the sign shall be mitigated subject to approval of the Planning and Development Department.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Required Two-Year Review of an approved Special Use Permit (U-0010-02) for a 55-foot tall, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 2234 West Mesquite Avenue.

EXECUTIVE SUMMARY

This is the first review for the Special Use Permit that allowed the 55-foot tall, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign. The sign complies with the previous conditions of approval from Special Use Permit (U-0010-02). However, the sign does not comply with the previously approved Rezoning (Z-0011-02), which allowed the billboard. Condition Number 4 from the Rezoning required the construction of a 30-foot wide bermed landscape planter along the east property line, which is not there.

A condition of approval has been added here, which requires this condition to be satisfied within thirty days of City Council action. The sign is in good condition with no graffiti or bird mess. Staff is recommending approval of the Required Review with an additional review in two years.

BACKGROUND INFORMATION

A) Related Actions

- 03/28/63 The Board of Zoning Adjustment approved a Special Use Permit (U-0019-63) to allow the construction of a Masonic lodge for quasi-public use on property generally located on the northeast corner of Rancho Road and Mesquite Avenue.
- 04/17/02 The City Council approved a request to amend a portion of the southeast sector of the General Plan (GPA-0045-00) from L (Low Density Residential) to SC (Service Commercial) and to PF (Public Facilities). Also, a Rezoning (Z-0011-02) was also approved from R-1 (Single Family Residential) to C-1 (Limited Commercial) and C-V (Civic). The site has been hard zoned to C-V (Civic) zone, which is where the subject billboard is located. A portion of the site is also zoned, R-1 (Single Family Residential) under Resolution of Intent to O (Office). Therefore, the parent Rezoning remains valid on the subject property. The Planning Commission recommended denial, but staff recommended approval on 03/14/02.

- 12/18/02 The City Council approved a request for a Special Use Permit (U-0010-02) for a 55-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on 3.0 acres adjacent to the northeast corner of Rancho Drive and Mesquite Avenue. The Planning Commission and staff recommended denial on 03/14/02.
- 07/13/06 The Planning Commission voted 5-0-1/d to recommend APPROVAL (PC Agenda Item #64/bts).

B) Pre-Application Meeting

A pre-application meeting is not required for this type of application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

D) Site Inspection Information

A site inspection was completed on 06/09/06. The inspection revealed that there was no graffiti or bird mess present on the support structure of the sign. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

E) Building Permit History

A building permit was issued for the subject sign on 05/10/04. The sign was finalized on 11/09/04. The sign has received all proper building permits.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 10.55

B) Existing Land Use

Subject Property: Private Club/Lodge or Fraternal Organization
North: R.O.W. (US-95)
South: Church/School
East: Single Family Homes
West: Undeveloped

C) Planned Land Use

Subject Property: PF (Public Facilities)/O (Office)
North: R.O.W. (US-95)
South: L (Low Density Residential)
East: L (Low Density Residential)
West: L (Low Density Residential)

D) Existing Zoning

Subject Property: C-V (Civic)/ R-1 (Single Family Residential) under Resolution of Intent to O (Office)
North: R.O.W. (US-95)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-1 (Single Family Residential)

E) General Plan Compliance

The subject site is designated as PF (Public Facilities) and O (Office) on the Southeast Sector Map of the General Plan. The C-V (Civic) and R-1 (Single Family Residential) under Resolution of Intent to O (Office) comply with the land use designations.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Airport Overlay

The subject site is located within the North Las Vegas Airport Overlay District. The maximum height permitted within this area is 130 feet without additional permits. The Airport Overlay does not affect the subject review.

Trails

A pedestrian path is located on the western portion of the site. Any future development on that portion of the site will require the addition of any required trails. The pedestrian path requires five feet of sidewalk and five feet of landscaping. The trail has not been constructed since development has not occurred on the subject site.

ANALYSIS

A) *Zoning Code Compliance*

A1) Minimum Distance Separation Requirements

The existing Off-Premise Advertising (Billboard) Sign is subject to a minimum 300-foot separation from other Off-Premise Advertising (Billboard) Signs. In addition, the sign cannot be located less than 300 feet from the nearest property line of a lot in the U (Undeveloped) Zoning District or any “R” Zoning District. The subject sign is greater than 300 feet from any other Off-Premise Advertising (Billboard) Sign and from any residential zoning district, thereby meeting the distance separation requirements.

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Advertising (Billboard) Sign Exclusionary Zone except in exempted areas	Not located within the Exclusionary Zone
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M, C-V and M Zoning Districts only	The existing billboard is location within a C-V (Civic) zoning district.
Area	No Off-Premise Advertising (Billboard) Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Each face is 672 square feet. The sign contains no embellishments.

Height	No higher than 40 feet from grade at the point of construction	Maximum height of 40 feet from grade
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened from view; in addition, the support pole is covered to match the on-premises building design

B) General Analysis and Discussion

- Zoning

The existing Off-Premise Advertising (Billboard) Sign is a permitted use in the C-V (Civic) zoning district with approval of a Special Use Permit. The C-V (Civic) zone is compatible with the PF (Public Facilities) land use designation. The continuation of the existing use is appropriate at this location.

- Use

Title 19 defines an Off-Premise Advertising (Billboard) Sign as any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed. The existing location of the sign is behind the Masonic Lodge, which is adjacent to U.S. 95. The proposed extension of the existing use is acceptable at its present location. Therefore, staff can support the continuation of the billboard at this location.

- Conditions of approval from Special Use Permit (U-0010-02).

*The applicant has complied with all conditions of approval from Special Use Permit (U-0010-02). Specifically, the applicant has complied with condition of approval number eight (8).

(U-0010-02)

1. The applicant shall submit a parcel map to be approved by the Planning and Development staff prior to issuance of any permits for the billboard.
2. The Off-Premise Advertising (Billboard) Sign supporting structure shall be redesigned to finish materials to complement the existing on-site building. The entire face-area of both sides of the Off-Premise Advertising (Billboard) Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
 4. The Special Use Permit shall be reviewed in two years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
 5. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19A including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19A has been approved for the new structure by the City Council.
 6. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
 7. All City Code requirements and design standards of all City departments must be satisfied.
 8. Prior to the completed construction of the proposed billboard, the applicant shall construct or have constructed a traffic calming gateway on Mesquite Avenue near the eastern edge of the subject property at no cost to the City of Las Vegas.
- Conditions of approval from Rezoning (Z-0011-02).

*The applicant has complied with the conditions of approval from Rezoning (Z-0011-02), except for conditions; four (4), five (5), six (6), and seven (7). A condition of approval has been added, which requires conformance to condition number four (4) within thirty days of approval. Conditions of approval five (5), six (6) and seven (7) were imposed by Public Works. The conditions are not required to be met until permits have been pulled for any on-site development.

(Z-0011-02)

1. The C-1 (Limited Commercial) portion of the request shall be amended to O (Office) with the remainder of the site being C-V (Civic) as depicted on the aerial photograph submitted as part of this action.
2. Approval of a General Plan Amendment (GPA-0045-00) by the City Council from L (Low Density Residential) to O (Office) and PF (Public Facility) land use designations.
3. A Resolution of Intent with a two-year time limit.

4. Approval of a Special Use Permit and/or a Site Development Plan Review application by any site grading, or other development activity on this site. Any such Site Development Plan Review shall include a minimum 30-foot wide bermed landscape planter along the east property line.
5. Dedicate a 25-foot radius of right-of-way at the north east corner of Rancho Drive and Mesquite Avenue prior to the issuance of any permits for this site. Also, grant a traffic signal chord easement at the back of radius prior to the issuance of any permits for this site.
6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
7. A Drainage Plan and Technical Drainage Study may be required upon further development of this site.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Staff finds that the continuation of the use is compatible with the adjacent Masonic Lodge and US-95. The area surrounding the subject site has not seen substantial change since initial approval of this Special Use Permit. Therefore staff is recommending approval of the required review subject to an additional review in two (2) years.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Staff finds the proposed site is physically suitable for the continuation of the Off-Premise Advertising (Billboard) Sign use, provided that the property is properly zoned to allow the continuation of the existing sign.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Staff finds the proposed Off-Premise Advertising (Billboard) Sign use will not generate any additional traffic to this site and will not require provisions for additional access.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Staff finds that, if approved, the Off-Premise Advertising (Billboard) Sign will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 376 by City Clerk

APPROVALS 0

PROTESTS 0